

Application No.: 09/575,410
Amendment

R E M A R K S

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested. In the above amendment claims 1, 8 and 14 have been amended and no claims have been canceled or added. Therefore, claims 1-24 are pending in the application.

Written Statement regarding Substance of 12/6/04 Interview per 37 CFR 1.133(b)

Applicant appreciates very much the opportunity to discuss the rejections in this application with Examiner Jenise E. Jackson in the telephone interview that occurred on December 6, 2004, at 2:00 p.m. EST. Those participating in the interview were the undersigned and Examiner Jackson. In accordance with the requirements of 37 CFR 1.133(b), and the Manual of Patent Examining Procedure (MPEP) §713.04, Applicant provides the following written statement of the reasons presented at the interview as warranting favorable action.

No exhibits were shown or discussed. The claims that were discussed were independent claims 1, 8 and 14 as amended in the proposal submitted with the Applicant Initiated Interview Request Forms dated November 24, 2004 and November 30, 2004, which are the same amendments submitted above. The prior art that was discussed was U.S. Patent No. 6,270,011 to Gottfried ("Gottfried") in view of U.S. Patent No. 6,393,139 to Lin et al. ("Lin et al."), and further in view of U.S. Patent No. 5,815,252 to Price-Francis ("Price-Francis").

The general thrust of the Applicant's principal argument that was discussed in the interview was that Lin et al. does not disclose a user actually assigning fingerprint designators to the fingerprints. This is because FIG. 1 of Lin et al. makes it clear that the fingers are already designated by the

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numbers L1, L2, L3, etc. and that the user uses these predetermined designations in programming the fingerprint entering sequence. Applicant also argued that the sequencing of the fingerprints and the labeling of the fingerprints with fingerprint designators are two different features, with the later feature not being disclosed by Lin et al. Applicant argued that the above amendments to independent claims 1, 8 and 14 clarifies the later feature.

The Examiner indicated that she would take Applicant's arguments into consideration, but the telephone interview ended with no agreement being reached.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,270,011 to Gottfried ("Gottfried") in view of U.S. Patent No. 6,393,139 to Lin et al. ("Lin et al."), and further in view of U.S. Patent No. 5,815,252 to Price-Francis ("Price-Francis"). Applicant respectfully traverses these rejections.

The Examiner states that Lin et al. discloses a secret fingerprint entering sequence (i.e. numbering), that allows the user to program the fingerprint entering sequence (i.e. numbering). (Office Action mailed 9/9/04, top of page 3 and middle of page 6). The Examiner appears to be equating the fingerprint entering sequence and the numbering, or labeling, of the fingerprints with fingerprint designators. Applicant asserts that these are two different features and that Lin et al. does not disclose the later feature.

Applicant has amended independent claim 1 in order to further clarify the differences between that claim and Lin et al. Specifically, claim 1 has been amended to recite "wherein the fingerprint numbering scheme includes fingerprint

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designators that are assigned by the user". This amendment is supported by Applicant's specification at, for example, page 3, lines 28-30, page 7, lines 13-22, and original claims 8 and 21. Applicant has amended independent claims 8 and 14 in a similar manner as claim 1.

Applicant submits that Lin et al. does not disclose "fingerprint designators that are assigned by the user", as is now recited in Applicant's amended claim 1. That is, Lin et al. does not disclose a user actually assigning fingerprint designators to the fingerprints. This is because FIG. 1 of Lin et al. makes it clear that the fingers are already designated by the numbers L1, L2, L3, etc. and that the user uses these predetermined designations in programming the fingerprint entering sequence.

As the undersigned explained to the Examiner during the telephone interview of December 6, 2004, the ability of the user to actually assign fingerprint designators to the fingerprints as provided in Applicant's claim 1 provides an extra layer of security beyond the system of Lin et al. This is because with Applicant's system even if a hacker figures out the fingerprint entering sequence, the hacker will still not know which fingerprints correspond to the designators F1, F2, F3, etc. because the designators have been uniquely assigned by the user. Whereas with Lin et al.'s system, if a hacker figures out that the fingerprint entering sequence is, for example, L1, R4, R2, the hacker can break into the system because the hacker will know that L1 always corresponds to the left thumb, R4 always corresponds to the right ring finger, and R2 always corresponds to the right index finger.

Therefore, because Lin et al. does not disclose a user actually assigning fingerprint designators to the fingerprints, Applicant submits that the rejections of amended

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independent claims 1, 8 and 14 must be withdrawn. Furthermore, the rejections of claims 2-7, 9-13 and 15-24 should also be withdrawn for at least the above reasons due to their dependence on their respective independent claims.

With respect to the rejection of dependent claims 22-24, the Examiner cites Lin et al.'s col. 4, lines 41-53 and states that Lin et al. discloses more than ten fingerprints stored by the user with the motivation being that the system of Lin et al. allows multiple users access. However, Applicant's claim 22 recites "wherein the fingerprint data stored in the database comprises more than ten fingerprints stored for the user." (Emphasis added). That is, in Applicant's claims more than 10 fingerprints are stored for "the user", meaning a single user. Lin et al. does not disclose more than ten fingerprints stored for a single user.

Applicant submits that the multiple user access disclosed in Lin et al. would in no way make it obvious to store more than ten fingerprints for a single user as is recited in Applicant's claim 22. This is because storing fingerprints for multiple users does not dispel the notion that people only have ten fingers and so one would think that the upper limit to the number of fingerprints that may be scanned is a total of only ten fingerprints, as in the Price-Francis reference.

Therefore, the Examiner has not established a proper *prima facie* case of obviousness of Applicant's claims 22-24 and the rejections must be withdrawn.

Fees Believed to be Due

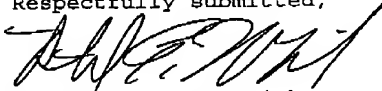
No extra claims fees are believed to be due.

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C O N C L U S I O N

In view of the above, Applicant submits that the pending claims are in condition for allowance. Should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858)552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,


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Dated 12/7/04

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